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4 Attorneys for defendant NWI

5
6 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
7

8 THE NEW YORK TIMES
COMPANY,

9 Plaintiff,

10 v.

11 NEASI-WEBER INTERNATIONAL
LLC,

12 Defendant.
13

Case No. 07 CV 8046 (JFK)
ECF CASE

NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C.
§ 1441(b) (diversity)

14 TO THE CLERK OF THE ABOVE COURT: PLEASE TAKE NOTE that
15 defendant Neasi-Weber International LLC (incorrectly named as Neasi-Weber
16 International, a California corporation) hereby removes to this Court the state
17 court action described below.

18 1. On 23 August 2007 an action was commenced in the Supreme Court
19 of the State of New York, County of New York, entitled The New York Times
20 Company v. Neasi-Weber International Index Number 602857/07. ~~A copy of~~
~~the complaint is attached as Exhibit 1.~~ *SKW*

21 2. The first date on which defendant received a copy of the complaint
22 was 27 August 2007 when defendant received a Federal Express from plain-
23 tiff's counsel. ~~A copy of the Summons is attached as Exhibit 2.~~ *SKW*

3. The complaint is a civil action over which this court has original

1 jurisdiction under 28 U.S.C. § 1332 and is one which may be removed to this
2 Court by defendant pursuant to 28 U.S.C. § 1441(b) in that it is between
3 citizens of different states and the matter in controversy exceeds the sum of
4 \$75,000, exclusive of interest and costs.


5 4. The allegation of diversity of citizenship is found in complaint para-
6 graphs 2 (plaintiff is a New York corporation with principal place of business in
7 New York) and 3 (defendant is a California (limited liability) corporation with
its principal place of business in California).

8 5. The allegation of amount in controversy is found in complaint para-
9 graph 12 where plaintiff alleges the dispute concerns nonpayment of
\$117,500.

10 Dated: New York, New York
11 September 13, 2007

12 KLEIN ZELMAN ROTHERMEL LLP

13
14 By


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